*REMARKS*

This is a full and timely response to the outstanding Office action mailed November 21, 2003. Upon entry of the amendments in this response, claims 1-38 are pending. More specifically, claims 1-13, 18, and 30-36 are amended, and claims 37 and 38 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

## I. Present Status of Patent Application

Claims 1-36 are provisionally rejected under the doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-30 of copending Application No. 09/752,336. Claims 1-36 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Council *et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717).

## II. Miscellaneous Issues

A terminal disclaimer is filed herewith to overcome any rejection due to alleged double-patenting.

Claims 1-13, 18, and 30-36 have been amended, but not for reasons involving patentability.

Applicant would also like to point out that it appears that the Examiner inadvertently missed initialing Cite No. 2 of "Other Documents" on the second page of the IDS included in the Office Action. Applicant respectfully requests that a corrected IDS be submitted if the Examiner considered the document.

## III. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-29

The Office Action rejects claims 1-29 under 35 U.S.C. §102(b) as being anticipated by Council *et al.* (National Transportable Telecommunications Capability: Commercial Satellite and

Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1** recites:

A remote, self-contained communications antenna apparatus for establishing wireless communications, comprising:

(a) a vehicle; and

(b) attached to said vehicle, equipment for

(i) ***transceiving communication signals between said equipment and a disconnected cell site***, and

(ii) transceiving communication signals between said equipment and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between said equipment and a disconnected cell site.** *Council* teaches a system which has no communications with any disconnected cell site. A disconnected cell site is not part of the *Council* reference at all.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-29 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-29 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989).

Therefore, since dependent claims 2-29 are patentable over *Council*, the rejection to claims 2-29 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-29 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the references of record. Hence there are other reasons why dependent claims 2-29 are allowable.

B. Claims 30-34

The Office Action rejects claims 30-34 under 35 U.S.C. §102(b) as being anticipated by *Council* et al. (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 30** recites:

A remote, self-contained communications antenna apparatus for establishing wireless communications, comprising:

(a) a vehicle; and

(b) attached to said vehicle, equipment for

(i) ***transceiving communication signals between said equipment and a cellular system***, and

(ii) transceiving communication signals between said equipment and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 30 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between said equipment and a cellular system**. *Council* teaches a system which

communicates directly with each specific wireless device, thus the *Council* system does not include equipment for transceiving signals with a cellular "system."

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 30, and the rejection should be withdrawn.

Because independent claim 30 is allowable over the prior art of record, dependent claims 31-34 (which depend from independent claim 30) are allowable as a matter of law for at least the reason that dependent claims 31-34 contain all the steps/features of independent claim 30. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 31-34 are patentable over *Council*, the rejection to claims 31-34 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 30, dependent claims 31-34 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the references of record. Hence there are other reasons why dependent claims 31-34 are allowable.

C. Claim 35

The Office Action rejects claim 35 under 35 U.S.C. §102(b) as being anticipated by Council *et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 35** recites:

A method for establishing wireless communications, comprising:

(a) transceiving wireless communication signals between a wireless device and a disconnected cell site; and

(b) ***transceiving communication signals between said disconnected cell site and a remote, self-contained communications antenna apparatus***; and

(c) transceiving communication signals between said remote, self- contained communications antenna apparatus and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 35 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between said disconnected cell site and a remote, self-contained communications antenna apparatus**. *Council* teaches a system which has no communications with any disconnected cell site. A disconnected cell site is not part of the *Council* reference at all.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 35, and the rejection should be withdrawn.

D. Claim 36

The Office Action rejects claim 36 under 35 U.S.C. §102(b) as being anticipated by Council *et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 36** recites:

A method for establishing wireless communication, comprising:

(a) ***transceiving communication signals between a remote, self-contained communications antenna apparatus and a cellular system***; and

(b) transceiving communication signals between said cellular system and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 36 as amended is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between a remote, self-contained communications antenna apparatus and a cellular system**. *Council* teaches a system which communicates directly with each specific wireless device, thus the *Council* system does not include equipment for transceiving signals with a cellular "system."

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 36, and the rejection should be withdrawn.

## IV. References Made of Record

The references made of record have been considered, but are not believed to affect the patentability of the presently pending claims. Other statements not explicitly addressed herein are not admitted.

## *CONCLUSION*

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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